

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JOSE ARMIJO,

Plaintiff,

vs.

Civ. No. 97-753 HB/LCS

KENNETH S. APFEL,
Commissioner of Social Security,

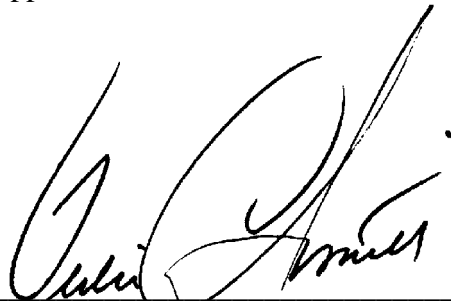
Defendant.

MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION

This matter comes before the Court upon the Order to Show Cause, filed March 5, 1998. That Order required the parties to "file a written response to this Order to Show Cause why the briefing packet in this case was not timely filed and why this action should not be dismissed without prejudice for failure to timely file the parties' respective briefs." On March 9, 1998, the Defendant responded to the Order to Show Cause indicating that the Plaintiff never served a Motion to Reverse or Remand. The Plaintiff has not responded to the Order to Show Cause. Moreover, the Plaintiff has failed to comply with the August 29, 1997 briefing order. Accordingly, I recommend that this matter be dismissed without prejudice.

Timely objections to the foregoing may be made pursuant to 28 U.S.C. §636(b)(1)(C). Within ten days after a party is served with a copy of these proposed findings and recommendations that party may, pursuant to §636(b)(1)(C), file written objections to such proposed findings and recommendations. A party must file any objections within the ten day period allowed if that party wants to have appellate review of the proposed findings and

recommendations. If no objections are filed, no appellate review will be allowed.

A handwritten signature in black ink, appearing to read 'Leslie C. Smith', written over a horizontal line.

Leslie C. Smith
UNITED STATES MAGISTRATE JUDGE